



UTILITY CONSUMERS' ACTION NETWORK

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SAN DIEGO
WATER QUALITY
CONTROL BOARD

September 3, 2004

Chairman John Minan and Regional Board Members
California Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

RE: Comments on Tentative Order No. R9-2004-0154 for Duke Energy South Bay, LLC, South Bay Power Plant

Dear Chairman John Minan and Regional Board Members:

UCAN urges you to adopt a permit for the South Bay Power Plant that improves the current degradation of the San Diego Bay ecosystem. There is little dispute over the fact that South Bay is in violation of current rules. The real issue before the Board is how to best mitigate the damage. UCAN hopes that the Board will require that Duke agree to some operational or monetary mitigations to reduce the environmental degradation.

South Bay is an older plant that will likely be subject to a repower in the coming years. However, that repower may not occur for five years or more and the Board should not delay action on the basis that the plant may close in 2009. UCAN has reviewed the record and is satisfied that there are some operational actions that can be taken by Duke today to mitigate. Duke might also be directed to provide some monetary mitigation that might be used to offset environmental degradation of the Bay and/or prepare for future bayfront power plant siting that will be coming before the Board in short order.

While costs should be a consideration in the Board's thinking, UCAN believes that some low-cost actions can be required today. We hope that the Board chooses to take action now to address the environmental and health costs imposed upon the public by this power plant rather than accepting yet more delays. Thank you for your consideration.

Sincerely,



Michael Shames
Executive Director